

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Thomas A. Harris, Acting Presiding Justice; Honorable Herbert I. Levy, Associate Justice; Honorable Dennis A. Cornell, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Shandra Gallagher, Assistant Deputy Clerk.

F039047 People v. White

Cause called and argued by Jerry D. Whatley, Esq., counsel for appellant Darrell Vincent White and by Jesse Witt, Esq., Deputy Attorney General, counsel for respondent The People.

Cause ordered submitted.

Court recessed until Wednesday, January 15, 2003 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Thomas A. Harris, Acting Presiding Justice; Honorable Herbert I. Levy, Associate Justice; Honorable Dennis A. Cornell, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Shandra Gallagher, Assistant Deputy Clerk.

F038529 People v. Gary

Cause called and argued by Cynthia Thomas, Esq., counsel for appellant Buddy Gary.

Cause ordered submitted.

Court recessed until Thursday, January 16, 2003 at 10:00 A.M.

F041974 Beverly K. v. The Superior Court of Stanislaus Co.; Stanislaus Co. Community Services Agency

Pursuant to the terms of this court's order of January 7, 2003, and the failure of any party to request oral argument, the oral argument date of January 30, 2003, is vacated.

This matter is deemed submitted on the date of this order.

IN THE

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F040795 Saeler et al v. Prescott Estates Homeowners Association

No brief having been filed by appellant after notice duly given under rule 17(a) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F039840 People v. Mormann

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F039840 People v. Mormann

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041798 Dick v. Applegate

Appellant James Applegate, having filed an abandonment and/or request for dismissal of appeal, IT IS ORDERED that the appeal in the above-entitled action is dismissed.

F042088 Valenta v. King

Pursuant to the "ORDER ON APPLICATION FOR WAIVER OF COURT FEES AND COSTS" received on January 9, 2003, appellant is granted a waiver of the requirement that he pay filing fees in the above-entitled appeal.

The order filed January 3, 2003, dismissing said appeal is vacated; said appeal is ordered reinstated.

F041650 People v. Drake

No brief having been filed by appellant after notice duly given under rule 37(b) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F040154 People v. McMillon

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F040154 People v. McMillon
The judgment is affirmed.
By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F037894 People v. Pineda
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F037894 People v. Pineda
The judgment is modified by striking from it the true findings as to the Penal Code section 12022.53, subdivisions (b) and (c) enhancement allegations in counts 4 and 5 and the sentences imposed thereon. As so modified, the judgment is affirmed.
By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F040358 People v. Quinley
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F040358 People v. Quinley
The judgment is affirmed.
By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F039834 People v. Velasquez
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE

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F039834 People v. Velasquez

The judgment is modified to strike the armed principal enhancements as to counts 2, 3 and 5. As so modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment and to forward a certified copy of the amended abstract to the Department of Corrections.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F040125 People v. Paz

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.